

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/698,143
Attorney Docket No. Q60866

REMARKS

Claims 2, 9, 13, 17, 18, 20-25, 27-31, 33-46 and 48-50 have been examined. Claims 2, 9, 13, 18, 20-24, 28, 31, 35-36, 38-44 and 46 are allowed. Additionally, the Examiner acknowledges that claims 25 and 49-50 contain allowable subject matter. Claims 17, 27, 29-30, 33-34, 37, 45 and 48, however, are newly rejected.

As an initial matter, Applicants amend claim 25 to provide proper antecedent basis for the recited holder. It is respectfully submitted that claim 25 is in condition for immediate allowance at least by virtue of its dependency from allowed claim 20.

Claims 48-50 are rejected under § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants cancel claims 48-50 without prejudice or disclaimer.

Claim 17 is rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by newly applied U.S. Patent No. 6,270,207 to Sasaki (hereinafter “Sasaki”). Applicants cancel claim 17 without prejudice or disclaimer.

Claims 27 and 29-30 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,102,533 to Nozawa et al. (hereinafter “Nozawa”). Applicants amend claims 27 and 29-30 to depend from allowed claim 28, thereby placing claims 27 and 29-30 in condition for immediate allowance.

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Claim 34 is rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,416,152 to Matsuzaki et al. (hereinafter “Matsuzaki”). Applicants cancel claim 34 without prejudice or disclaimer.

Claim 48 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,790,158 to Shinada et al. (hereinafter “Shinada”). As noted above, claim 48 is canceled.

Claim 37 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nozawa in view of Matsuzaki. Applicants amend claim 37 to depend from allowed claim 28, thereby placing claim 37 in condition for immediate allowance.

Claims 33 and 45 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,336,719 to Ishinaga et al. (hereafter “Ishinaga”) in view of Matsuzaki.

Applicants filed a Response Under 37 C.F.R. § 1.111 on October 28, 2002 wherein Applicants submitted a certified translation of Japanese Application JP 11-323713 (filed on November 15, 1999), from which the present application claims priority, thereby perfecting Applicants’ claim for foreign priority based on this document.

Since Matsuzaki qualifies as prior art only under one or more of subsections (e), (f) and (g) of 35 U.S.C. § 102, Applicants disqualify Matsuzaki according to 35 U.S.C. § 103(c) from being used in a rejection under 35 U.S.C. § 103(a) against the claims of the application, since the present application was filed after November 29, 1999 and since the present application and

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Matsuzaki (U.S. Patent No. 6,416,152) were, at the time the invention was made, commonly owned by Seiko Epson Corporation.

Therefore, Matsuzaki is removed as a prior art reference for purposes of being used in a rejection under 35 U.S.C. § 103(a) against the claims of the application, thereby overcoming the rejections of at least claims 33 and 45.

In view of the above, reconsideration and allowance of this application (with claims 2, 9, 13, 18, 20-25, 27-31, 33 and 35-46) are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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